

Judge Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MAZIAR REZAKHANI,

Defendant,

and

ESFANDIAR REZAKHANI,  
ZAHRA REZAKHANI, and  
PACIFIC CONTINENTAL BANK,

Third-Party Petitioners.

NO. CR15-0395JLR

**STIPULATED SETTLEMENT  
AGREEMENT**

IT IS HEREBY STIPULATED between the United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Matthew H. Thomas, Assistant United States Attorney for said District, and Esfandiar Rezakhani, Zahra Rezakhani ("Petitioners Rezakhani") and Petitioner Pacific Continental Bank, as successor in interest to Foundation Bank, ("Petitioner Pacific Continental Bank"), through their respective undersigned counsel, to settle their respective claims with regard to the following property:

Stipulated Settlement Agreement  
CR16-0395JLR - 1

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101  
(206) 533-7970

1 a. \$113,900.00 in United States Currency, seized from the custody and control  
2 of MAZIAR REZAKHANI and his parents, E.R. and Z.R.; and

3 b. One (1) 2015 Silver BMW 528xi Sedan, VIN: WBA5A7C59FD628902<sup>1</sup>,  
4 (hereinafter sometimes collectively referred to as the subject property);

5 On July 26, 2016, Defendant Maziar Rezakhani pleaded guilty to the following  
6 Counts in the Indictment: Counts 1 and 3 charging Mail Fraud, violations of Title 18,  
7 United States Code, Section 1341, Count 2 charging Bank Fraud, a violation of Title 18,  
8 United States Code, Section 1344; and Count 4 charging Filing a False tax Return, a  
9 violation of Title 26, United States Code, Section 7206(l). Dkt. 78

10 On February 3, 2017, this Court granted a Preliminary Order of Forfeiture  
11 forfeiting the Defendant's interest in the subject property. Dkt. No. 109.

12 On April 4, 2017, third party Petitioners Esfandiar Rezakhani and Zahra  
13 Rezakhani filed a claim to \$114,600.00 in United States Currency. Dkt. 121.

14 On April 6, 2017, third party Petitioner Pacific Continental Bank, as successor in  
15 interest to Foundation Bank, filed a claim to the subject property. Dkt. No. 122.

16 This Stipulated Settlement Agreement is entered into between the United States  
17 and the Petitioners pursuant to the following terms:

18 1. Petitioners Esfandiar Rezakhani and Zahara Rezakhani hereby agree to  
19 withdraw their claim to the \$113,900.00 in United States Currency

20 2. Plaintiff United States stipulates and agrees to return the subject property to  
21 Petitioner Pacific Continental Bank.

22 3. Petitioner Pacific Continental Bank agrees that the return of the Subject  
23 Property shall be in full settlement and satisfaction of any and all claims by the Petitioner  
24 in the above-captioned matter.

25 4. Petitioners agree to release and hold harmless the United States of America,  
26 the United States Department of Justice, and any and all agents, servants, and employees  
27 of the United States and its agencies, acting in their individual or official capacities, from  
28

<sup>1</sup> The 2015 Silver BMW is titled in the name of Esfandiar Rezakhani.  
Stipulated Settlement Agreement  
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1 any and all claims by the Petitioners, and/or their representatives, agents, heirs,  
2 successors, and assigns, which currently exist or which may arise as a result of the search,  
3 the seizure of, or the forfeiture action against the Subject Property.

4 5. Petitioners understand and agree that by entering into this Stipulated  
5 Settlement Agreement they waives any rights to further litigate their interest in the  
6 property and to petition for remission or mitigation of the forfeiture. Thereafter, unless  
7 specifically directed by an order of the Court, Petitioners shall be excused and relieved  
8 from further participation in this action.

9 6. Petitioners Esfandiar Rezakhani and Zahara Rezakhani further agree to  
10 execute any documentation necessary to transfer title of the 2015 Silver BMW 528xi  
11 Sedan, VIN: WBA5A7C59FD628902 to Petitioner Pacific Continental Bank, or any  
12 authorized representative designated by Petitioner Pacific Continental Bank.

13 7. Each party agrees to bear its own costs and attorney's fees in this forfeiture  
14 case, as against the other party.

15 8. Petitioners will not be responsible for paying any storage fees that have  
16 accrued for the Subject Vehicle since the date it was seized and has been in government  
17 custody.

9. The terms of this stipulated settlement agreement shall be subject to approval by the United States District Court.

A proposed order is attached herewith.

Respectfully Submitted,

ANNETTE L. HAYES  
United States Attorney \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
/s/ Matthew H. Thomas  
MATTHEW H. THOMAS  
Assistant United States Attorney  
United States Attorney's Office  
1201 Pacific Avenue, Suite 700  
Tacoma, Washington 98402-4383  
Counsel for the United States of America

Date: 10/27/17

\_\_\_\_\_  
MICHAEL SIDERIUS  
Siderius, Loner, & Martin LLP  
500 Union Street, Suite 847  
Seattle, Washington 98101-2394  
Counsel for Petitioners Rezakhani

Date: 10-27-2017

\_\_\_\_\_  
ESFANDIAR REZAKHANI, Petitioner

Date: 10-27-2017

\_\_\_\_\_  
ZAHRA REZAKHANI, Petitioner

Date: \_\_\_\_\_

\_\_\_\_\_  
ROBERT D. STEWART  
KIPLING LAW GROUP PLLC  
4464 Fremont Avenue N., Suite 300  
Seattle, WA 98103  
Counsel for Petitioner Pacific  
Continental Bank

A proposed order is attached herewith.

Respectfully Submitted,

ANNETTE L. HAYES  
United States Attorney

Date: \_\_\_\_\_

/s/ Matthew H. Thomas  
MATTHEW H. THOMAS  
Assistant United States Attorney  
United States Attorney's Office  
1201 Pacific Avenue, Suite 700  
Tacoma, Washington 98402-4383  
*Counsel for the United States of America*

Date: \_\_\_\_\_

**MICHAEL SIDERIUS**  
Siderius, Loner, & Martin LLP  
500 Union Street, Suite 847  
Seattle, Washington 98101-2394  
*Counsel for Petitioners Rezakhani*

Date: \_\_\_\_\_

ESFANDIAR REZAKHANI, *Petitioner*

Date: \_\_\_\_\_

ZAHRA REZAKHANI, *Petitioner*

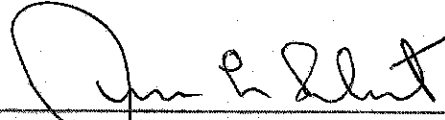
Date: 10/26/2017

*Robert D Stewart*  
ROBERT D. STEWART WSBA 8998  
KIPLING LAW GROUP PLLC  
4464 Fremont Avenue N., Suite 300  
Seattle, WA 98103  
*Counsel for Petitioner Pacific  
Continental Bank*

ORDER

Based upon the foregoing stipulation of the parties, this Stipulated Settlement Agreement is hereby APPROVED.

DATED this 30<sup>th</sup> day of October, 2017.



JAMES L. ROBART  
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 27th, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record for the parties.

s/Jennifer Biretz

JENNIFER BIRETZ

FSA Supervisory Paralegal

United States Attorney's Office

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